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EXAMINER

SHRESTHA, BIJENDRA K

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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/037,007	Applicant(s) D'AGOSTINO, JOHN	
	Examiner Bijendra K. Shrestha	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/20/2004, 12/28/2004, and 06/24/2005.

DETAILED ACTION

Priority

1. This application is a continuation-in-part application of previously filed application 09/231,745 filed on January 15, 1999 now patented as U. S. Patent No. 6,324,526 on November 27, 2001. This application relates to secure purchases for pre-established account where claims are broader than its parent application (credit card purchases only) is not supported by the parent application. The effective filing date of this application is, therefore, effective date of the child CIP, 11/09/2001.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese, U.S. Patent No. 6,014,650 (reference A in attached PTO-892) in view of Paleiov et al. U.S. Pub No. 2002/0152158 (reference B in attached PTO-892).

4. As per claim 1, Zampese teach a method of performing secure purchases, said method comprising:

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a) a customer communicating with a custodial authorizing entity having custodial responsibility of account parameters of said customer's pre-established account (see Fig. 1; column 3, lines 38-45);

b) said customer supplying the custodial authorizing entity with at least account identification data (see column 4, lines 62-65);

d) generating a transaction code that is different from said account identification data and which is associated with said designated payment category (see column 3, lines 29-36);

e) communicating said transaction code to said customer (see Fig. 1; column 3, lines 38-45);

f) terminating communication with said custodial authority (see column 3, lines 64-65; where purchaser make purchase request to internet seller after receiving transaction code from custodial authority);

g) said customer communicating said transaction code to a merchant in connection with a purchase having defined purchase parameters (see Fig. 1; column 3, lines 64-67; column 4, lines 1-2);

h) said merchant communicating said transaction code to a verifying authority (column 4, lines 2-3);

i) said verifying authority utilizing said transaction code to verify that said defined purchase parameters are within said designated payment category (see Fig. 3, step 56; column 4, lines 65-67);

j) said verifying authority communicating a purchase authorization to said merchant if said defined purchase parameters are within said designated

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payment category associated with said transaction code (see Fig. 1; column 4, lines 10-14); and

k) completing the purchase (see Fig. 3; column 5, lines 15-24).

Zampese does not teach customer designating a payment category.

Paleiov et al teach customer designating a payment category (see abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow customer designating a payment category of Zampese because Paleiov et al. teach that customer designating a payment category so that customer can restrict items for which the token can be used to make a purchase (Paleiov et al., page 2, para [0027]).

5. As per claim 2, Zampese in view of Paleiov et al. teach a claim 1 as described above. Zampese further teaches the method comprising

said verifying authority communicating a purchase denial if said purchase parameters of said purchase include a purchase dollar amount in excess of said maximum dollar amount (see Fig. 3, step 68).

Zampese does not teach defining said payment category as a specific maximum dollar amount.

Paleiov et al. teach defining said payment category as a specific maximum dollar amount (see page 1, para [0020]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow defining said payment category as a specific maximum dollar amount of Zampese because Paleiov et al. teach that defining said payment category as a specific maximum dollar amount so that

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customer can restrict items for which the token can be used to make a purchase (Paleiov et al., page 2, para [0027]).

6. As per claim 3, Zampese in view of Paleiov et al. teach claim 1 as described above. Zampese further teaches the method comprising

defining said payment category as a specific dollar amount (see Fig. 3; column 4, line 62-65),

said verifying authority communicating a purchase denial if said purchase parameters of said purchase include a purchase dollar amount different from said specific dollar amount by more than a predetermined maximum variance (see column 5, lines 15-19).

7. As per claim 4, Zampese in view of Paleiov et al. teach claim 1 as described above. Zampese further teaches the method comprising

communicating information associated with offered subject matter to the customer by the merchant, pre-determining the purchase parameters of the purchase, and corresponding said designated payment category to said purchase parameters (see Fig. 1; column 3, lines 64-66; where purchaser and merchant communicate over communication line 24 for a purchase).

8. As per claim 5, Zampese in view of Paleiov et al. teach claim 1 as described above.

Zampese does not teach the method comprising the custodial authorizing entity generating a transaction code which reflects at least one of said designated payment categories from a plurality of different types of said payment categories.

Paleiov et al. teach the method comprising the custodial authorizing entity generating a transaction code which reflects at least one of said designated payment categories from a plurality of different types of said payment categories (Paleiov et al., page 1, para [0011]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the custodial authorizing entity generating a transaction code which reflects at least one of said designated payment categories from a plurality of different types of said payment categories of Zempese because Paleiov et al. teach that the custodial authorizing entity generating a transaction code which reflects at least one of said designated payment categories from a plurality of different types of said payment categories so that customer can restrict items for which the token (or transaction code) can be used to make a purchase (Paleiov et al., page 2, para [0027]).

9. As per claim 6, Zampese teach in view of Paleiov et al. claim 5 as described above.

Zampese does not teach the method comprising defining at least one of said plurality of different types of payment categories to include amount parameters for a cost of a purchase.

Paleiov et al. teach the method comprising defining at least one of said plurality of different types of payment categories to include amount parameters for a cost of a purchase (see page 1, para [0012] – [0019]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining at

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least one of said plurality of different types of payment categories to include amount parameters for a cost of a purchase of Zempese because Paleiov et al. teach that allowing method comprising defining at least one of said plurality of different types of payment categories to include amount parameters for a cost of a purchase would enable customer to restrict items for which the token (or transaction code) can be used to make a purchase (Paleiov et al., page 2, para [0027]).

10. As per claim 7, Zampese in view of Paleiov et al. teach claim 5 as described above. Zampese further teaches the method comprising

Zampese does not teach the method comprising defining at least one of said plurality of different types of payment categories to include time parameters during which the purchase can be completed.

Paleiov et al. teach the method comprising defining at least one of said plurality of different types of payment categories to include time parameters during which the purchase can be completed (see page 3, para[0057]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining at least one of said plurality of different types of payment categories to include time parameters during which the purchase can be completed of Zempese because Paleiov et al. teach that allowing the method comprising defining at least one of said plurality of different types of payment categories to include time parameters during which the purchase can be completed would enable customer to restrict

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items for which the token (or transaction code) can be used to make a purchase (Paleiov et al., page 2, para [0027]).

11. As per claim 8, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a fixed amount for purchase within a predetermined period of time.

Paleiov et al. teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a fixed amount for purchase within a predetermined period of time (see page 5, para [0083]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a fixed amount for purchase within a predetermined period of time of Zampese because Paleiov et al. teach that allowing the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a fixed amount for purchase within a predetermined period of time would enable customer to apply restriction to own spending (Paleiov et al., page 5, para [0083]).

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12. As per claim 9, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a maximum amount for purchase within a predetermined period of time.

Paleiov et al. teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a maximum amount for purchase within a predetermined period of time (see page 5, para [0081]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a maximum amount for purchase within a predetermined period of time of Zampese because Paleiov et al. teach that allowing the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a single transaction at a fixed amount for purchase within a predetermined period of time would facilitate company or user to target its budget to enabling purchaser only in a specific field, thereby enabling to enhance control of appropriation of its resources.

13. As per claim 10, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount.

Paleiov et al. teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount (see page 1, para [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount of Zampese because Paleiov et al. teach that allowing the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

14. As per claim 11, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method defining at least one of the plurality of different types of payment categories to include authorization for a

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predetermined maximum number of transactions up to a maximum total purchase amount during a predetermined time period.

Paleiov et al. teach the method defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount during a predetermined time period (see page 1, para [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount during a predetermined time period of Zempese because Paleiov et al. teach that allowing the method defining at least one of the plurality of different types of payment categories to include authorization for a predetermined maximum number of transactions up to a maximum total purchase amount during a predetermined time period would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

15. As per claim 12, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount.

Paleiov et al, teach the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount (see page 1, para [0014], [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount of Zempese because Paleiov et al. teach that allowing the method comprising defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

16. As per claim 13, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount payable at each of a fixed number of time intervals.

Paleiov et al. teach the method defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount payable at each of a fixed number of time intervals (see page 1, para [0014], [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method defining at least one of the plurality of different types of payment categories to include authorization for a

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repeating transaction at a fixed amount payable at each of a fixed number of time intervals of Zempese because Paleiov et al. teach that allowing the method defining at least one of the plurality of different types of payment categories to include authorization for a repeating transaction at a fixed amount payable at each of a fixed number of time intervals would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

17. As per claim 14, Zampese in view of Paleiov et al. teach claim 5 as described above.

Zampese does not teach the method comprising defining the plurality of payment categories selectable by said customer to include at least:

a) authorization for a single transaction at a fixed amount for a purchase within a predetermined period of time,

b) authorization for a single transaction at a maximum amount for a purchase within a predetermined period of time,

c) authorization for multiple transactions at a maximum total amount for purchases within a predetermined time period, and

d) authorization for a repeating transaction at a fixed amount.

Paleiov et al teach the method comprising defining the plurality of payment categories selectable by said customer to include at least:

a) authorization for a single transaction at a fixed amount for a purchase within a predetermined period of time (see page 1, para [0016])

b) authorization for a single transaction at a maximum amount for a purchase within a predetermined period of time (see page 1, para [0014])

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c) authorization for multiple transactions at a maximum total amount for purchases within a predetermined time period (see page 1, para [0020]; page 4-5, para [0081]), and

d) authorization for a repeating transaction at a fixed amount (see page 1, para [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining the plurality of payment categories selectable by said customer (as stated above) of Zempese because Paleiov et al. teach that allowing the method comprising defining the plurality of payment categories selectable by said customer would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

18. As per claim 15, Zampese in view of Paleiov et al. teach claim 1 as described above.

Zampese does not teach the method comprising defining said payment category to include a limited time interval during which said transaction code is valid.

Paleiov et al. teach the method comprising defining said payment category to include a limited time interval during which said transaction code is valid (see page 1, para [0014]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow the method comprising defining said payment category to include a limited time interval during which said transaction

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code is valid of Zempese because Paleiov et al. teach that allowing the method comprising defining said payment category to include a limited time interval during which said transaction code is valid would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

19. As per claim 16, Zampese in view of Paleiov et al. teach claim 1 as described above.

Zampese further teaches the method comprising
generating a transaction code which further reflects an identification of the merchant (see column 3, line 60-63; column 4, lines 45-49; where account codes are used for purchase identification purpose which Examiner interprets, includes the merchant; account code and transaction may be combined to form strings of digits and/or other characters).

20. As per claim 17, Zampese in view of Paleiov et al. teach claim 1 as described above.

Zampese further teaches the method wherein
said merchant communicates said transaction code to a verifying authority which normally accepts and verifies credit card account information in connection with purchases (see Fig. 1; column 4, lines 2-9).

21. As per claim 18, Zampese teaches a secure purchase verification system comprising:

a) a custodial authorizing entity structured to issue a user account to a consumer (see column 3, lines 38-40);

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b) said custodial authorizing entity structured to bill said consumer for purchases consummated in connection with said user account (see column 5, lines 15-20);

c) said custodial authorizing entity responsive to a consumer transaction request and structured to generate a transaction code internally associated with said user account and different from said user account (see column 3, lines 29-36; 40-45);

d) said transaction code including a payment category designated by said consumer associated therewith and structured to be presented to a merchant by said consumer in connection with a purchase having defined purchase parameters (see Fig. 1; column 3, lines 64-67; column 4, line 1);

e) a verifying authority structured to receive and authorize credit card transactions from said merchant (see Fig. 1; column 4, lines 2-9);

f) said transaction code structured to be communicated to said verifying authority by said merchant, in connection with said purchase having said purchase parameters, as a credit card account number utilizing a credit card authorization system (see Fig. 1; column 4, lines 2-9);

g) said verifying authority structured to verify that said purchase parameters of said purchase correspond said payment category associated with said transaction code without identifying said user account, and to accordingly communicate an authorization or rejection to said merchant (see column 4, lines 62-67; column 5, lines 1-10).

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22. As per claim 19, Zampese teaches a claim 18 as described above.

Zampese does not teach a secure purchase verification system wherein said payment category of said transaction code includes a defined maximum purchase amount.

Paleiov et al. teach a secure purchase verification system wherein said payment category of said transaction code includes a defined maximum purchase amount (see page 1, para [0020]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow payment category of said transaction code includes a defined maximum purchase amount of Zempese because Paleiov et al. teach allowing that payment category of said transaction code includes a defined maximum purchase amount would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

23. As per claim 20, Zampese teaches a claim 18 as described above.

Zampese does not teach a secure purchase verification system wherein said payment category of said transaction code includes a specific purchase amount.

Paleiov et al. teach a secure purchase verification system wherein said payment category of said transaction code includes a specific purchase amount (see page 1, para [0012]-[0020]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow payment category of said transaction code includes a specific purchase amount of Zempese because Paleiov et al.

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teach allowing payment category of said transaction code includes a specific purchase amount would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

24. As per claim 21, Zampese teaches a claim 18 as described above.

Zampese does not teach a secure purchase verification system wherein said payment category of said transaction code includes a specific purchase amount range.

Paleiov et al. teach a secure purchase verification system wherein said payment category of said transaction code includes a specific purchase amount range (see page, para [0014]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow payment category of said transaction code includes a specific purchase amount range of Zempese because Paleiov et al. teach allowing payment category of said transaction code includes a specific purchase amount range would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

25. As per claim 22, Zampese teaches a claim 18 as described above.

Zampese does not teach secure purchase verification system wherein said payment category of said transaction code includes a defined time period for commencement of said purchase.

Paleiov et al. teach secure purchase verification system wherein said payment category of said transaction code includes a defined time period for commencement of said purchase (see page 1, para [0014]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow said payment category of said transaction code includes a defined time period for commencement of said purchase of Zempese because Paleiov et al. teach allowing said payment category of said transaction code includes a defined time period for commencement of said purchase would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

26. As per claim 23, Zampese teaches a claim 18 as described above.

Zampese does not teach a secure purchase verification system wherein said payment category of said transaction code includes a defined plurality of purchases.

Paleiov et al. teach a secure purchase verification system wherein said payment category of said transaction code includes a defined plurality of purchases (see page 1, para [0020]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow said payment category of said transaction code includes a defined plurality of purchases of Zempese because Paleiov et al. teach allowing said payment category of said transaction code includes a defined plurality of purchases would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

27. As per claim 24, Zampese in view of Paleiov et al. teach claim 23 as described above.

Zampese does not teach a secure purchase verification system wherein

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said payment category of said transaction code includes a defined maximum purchase amount for said plurality of purchases.

Paleiov et al. teach a secure purchase verification system wherein said payment category of said transaction code includes a defined maximum purchase amount for said plurality of purchases (see page 1, para [0020]; page 4-5, para [0081]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow said payment category of said payment category of said transaction code includes a defined maximum purchase amount for said plurality of purchases of Zempese because Paleiov et al. teach allowing said payment category of said transaction code includes a defined maximum purchase amount for said plurality of purchases would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

28. As per claim 25, Zampese teaches a claim 18 as described above.

Zampese does not teach a secure purchase verification system wherein said payment category of said transaction code includes a defined plurality of recurring purchases.

Paleiov et al. teach a secure purchase verification system wherein said payment category of said transaction code includes a defined plurality of recurring purchases (see page 1, para [0014], [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow said payment category of said

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transaction code includes a defined plurality of recurring purchases of Zempese because Paleiov et al. teach allowing said payment category of said transaction code includes a defined plurality of recurring purchases would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

29. As per claim 26, Zampese in view of Paleiov et al. teach claim 25 as described above.

Zampese does not teach a secure purchase verification system wherein each of said defined plurality of purchases include a define purchase amount associated therewith.

Paleiov et al. teach a secure purchase verification system wherein each of said defined plurality of purchases include a define purchase amount associated therewith (see page 1, para [0014], [0016]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow each of said defined plurality of purchases include a define purchase amount associated therewith of Zempese because Paleiov et al. teach allowing each of said defined plurality of purchases include a define purchase amount associated therewith would enable to exercise significant control over money being spent (Paleiov et al, page 1, para [0012]).

Double Patenting

30. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where

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the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

31. Claims 1-26 rejected on the ground of nonstatutory double patenting over claims 1-16 of U. S. Patent No. 6,324,526 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: use of transaction code with purchase parameters and payment categories instead of credit card number.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

32. Claim 1-26 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 27-29, 33, 35 and 36 of copending Application

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No. 11/252,009. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: use of transaction code with purchase parameters and payment categories instead of credit card number.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Demoff et al. (U.S. Patent No. 6,456,984) teach method and system for providing temporary credit authorizations.

Kravitz (U.S. Patent No. 6,029,150) teaches payment and transactions in electronic commerce system.

Morrill, Jr. (U.S. Patent No. 5,991,749) teaches wireless telephony for collecting tolls, conducting financial transactions, and authorizing other activities.

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Watson (U.S. Patent No. 5,991,750) teaches system and method for pre-authorization of individual account transactions.

Watson et al. (U.S. Patent No. 6,226,624) teach system and method for pre-authorization of individual account remote transactions.

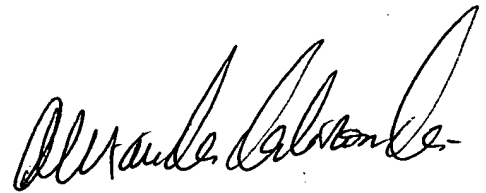
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00AM-4:30PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BKS

A handwritten signature in black ink, appearing to read "Alexander Kalinowski". The signature is stylized with a large, sweeping initial 'A' and a long, horizontal stroke at the end.

**ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER**